

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MONIQUE LE, an individual,)
Plaintiff,) King County Superior Court
vs.) Cause No. 12-2-22571-1SEA
THOMAS BURNS, WILLIAM ROBERTSON,)
JAMES NORTON, individually and in his) NOTICE OF REMOVAL OF ACTION
official capacity, THE SEATTLE POLICE) UNDER 28 U.S.C. § 1441(a) (FEDERAL
DEPARTMENT, a municipal corporation, and) QUESTION)
THE CITY OF SEATTLE, a municipal entity) JURY DEMAND REQUESTED
and political subdivision of the state of)
Washington,)
THE KING COUNTY DEPARTMENT OF)
ADULT DETENTION (King County Jail), and)
KING COUNTY, a county entity and political)
subdivision of the State of Washington,)
Defendants.)

TO: THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF
WASHINGTON, AT SEATTLE:

Defendants Thomas Burns, William Robertson, James Norton, Seattle Police Department and City of Seattle hereby gives notice that they are removing this case to the United States District Court for the Western District of Washington on the grounds set forth below.

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(b)
(FEDERAL QUESTION) - 1

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1 1. On June 29, 2012, a complaint in the above-captioned case was filed by plaintiff
2 against defendants Thomas Burns, William Robertson, James Norton, Seattle Police Department
3 and City of Seattle in King County Superior Court under Cause No. 12-2-22571-1SEA. *See*
4 Exhibit 1 attached to the Verification of State Court Records.

5 2. The matter was assigned to The Honorable Julie Spector and the Court issued a
6 case scheduling order. *See* Exhibit 2 attached to the Verification of State Court Records.

7 3. The Case Information Cover Sheet and Area Designation filed by plaintiff on
8 June 29, 2012 is attached as Exhibit 3 to the Verification of State Court Records.

9 4. On June 29, 2012 plaintiff filed a Summons to each individually-named
10 defendant. *See* Exhibits 4 – 8 attached to the Verification of State Court Records.

11 5. On July 12, 2012, defendants Thomas Burns, William Robertson, James Norton,
12 Seattle Police Department and City of Seattle filed a Notice of Appearance. *See* Exhibit 9
13 attached to the Verification of State Court Records.

14 6. A copy of the King County Superior Court docket is attached as Exhibit 10 to the
15 Verification of State Court Records.

16 7. The Seattle Police Department is an agency of the City of Seattle, but not a proper
17 party to this litigation.

18 8. Upon information and belief, there have been no further proceedings in this
19 action.

20 9. Under the express terms of the Complaint, plaintiff alleges Constitutional claims
21 including claims for civil rights violations under 42 U.S.C. § 1981 and § 1983.

22 10. The claims for a violation of 42 U.S.C. § 1981 and § 1983 arise under and are
23 controlled by the laws and the Constitution of the United States and therefore fall within the

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1 original jurisdiction of the United States District Court. *See* 28 U.S.C. §§ 1331, 1343 and
2 1441(a). The entire case may be removed to the United States District Court for determination
3 of all issues. *See* 28 U.S.C. § 1441(c).

4 11. All served defendants have joined in this removal. Although this notice of
5 removal is being filed by the City defendants, the King County defendants join in the removal.
6 Defendants Thomas Burns, William Robertson, James Norton, Seattle Police Department and
7 City of Seattle have filed this Notice of Removal within thirty (30) days after receipt through
8 service or otherwise, of a copy of plaintiff's Complaint. *See* 28 U.S.C. § 1446(b).

9 12. This Court is the district court of the United States for the district and division
10 embracing the place where the state court action is currently pending. *See* 28 U.S.C. § 1441(a).

11 WHEREFORE, defendants Thomas Burns, William Robertson, James Norton, Seattle
12 Police Department and City of Seattle hereby gives notice that the civil action in King County
13 Superior Court, State of Washington has been removed from that Court to the United States
14 District Court for the Western District of Washington at Seattle.

15 **JURY DEMAND**

16 Pursuant to Fed. R. Civ. P. 38(b), defendants Thomas Burns, William Robertson, James
17 Norton, Seattle Police Department and City of Seattle hereby demand a trial by jury of all issues
18 so triable as raised herein or which hereinafter may be raised in this action.

19 DATED this 23rd day of July, 2012.

20 PETER S. HOLMES
Seattle City Attorney

21 By: s/Brian G. Maxey
22 By: s/Sarah K. Morehead

23 Brian G. Maxey, #33279

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12 Thomas Burns, William Robertson, James Norton,
13 Seattle Police Department and City of Seattle
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